



TOWN OF LAKE HAMILTON

TOWN COUNCIL REGULAR MEETING AGENDA Tuesday, September 1, 2020 6:00 P.M.

The Town Council of the Town of Lake Hamilton will hold a Regular Council Meeting on Tuesday, September 1, 2020 at 6:00 PM at the Lake Hamilton Woman's Club, 85 N Omaha Street, Lake Hamilton, FL 33851.

- 1. CALL TO ORDER BY THE MAYOR**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. ROLL CALL OF COUNCIL MEMBERS BY THE CLERK**
- 5. SCHEDULED PRESENTATIONS**
 - a. Town Hall/ Police Landscape Preliminary Design *pages- no doc*
 - b. Competitive Florida Partnership Grant for FY 20/21- Jennifer Cado Salsbury *pages- no doc*
- 6. CONSENT AGENDA**
 - a. August 4, 2020 Budget Workshop Minutes *pages- 1*
 - b. August 4, 2020 Regular Meeting Minutes *pages- 2-4*
 - c. Move November Meeting to November 10, 2020 due to General Election *pages- no doc*
- 7. RECOGNITION OF CITIZENS (Non-Agenda Items)**
- 8. OLD BUSINESS-**
 - Open Public Hearing**
 - a. Second Reading of Ordinance O-20-05 Amending Local Business Tax Schedule *pages- 5-9*
 - b. Second Reading of Ordinance O-20-06 Business Tax for Businesses Not Specifically Mentioned *pages- 10-12*
 - Close Public Hearing**
 - c. Wastewater Services Continued Discussion *pages- no doc*
 - d. Relook at Extension of Collection of Sewer Fees of Businesses Not Connected *pages- no doc*
 - e. Approve contract for CDBG Design Revision *pages- 13-15*
- 9. NEW BUSINESS-**
 - a. Approve Revisions to Town Council Rules of Procedures *pages- 16*
 - b. DEO Grant for Broadband Interlocal Agreement *pages- 17-25*
 - c. Resolution R-2020-11 Rebuild Florida General Infrastructure Program Grant App *pages- 26-27*
- 10. STAFF REPORTS**
 - a. Town Administrator *pages- no doc*
 - i. Town Clerk *pages- 28*
 - ii. Police Department *pages- 29-31*
 - iii. Code Enforcement *pages- 32*
 - iv. Community Development *pages- 33-34*
 - v. Public Works *pages- 35*
- 11. ATTORNEY COMMENTS**
- 12. COUNCIL MEMBERS COMMENTS**
- 13. ADJOURNMENT**

IF A PERSON DESIRES TO APPEAL ANY DECISION MADE BY THE TOWN COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, AFFECTED PERSONS MAY NEED TO INSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE WHICH THE APPEALS IS TO BE BASED. (F.S. 286.26.105)

**TOWN OF LAKE HAMILTON
MINUTES
TOWN COUNCIL BUDGET WORKSHOP
TUESDAY, AUGUST 4, 2020
4:30 PM**

CALL TO ORDER

Mayor Kehoe called the budget workshop to order at 4:37 p.m.

INVOCATION/PLEDGE OF ALLEGIANCE

Dispensed with until Regular meeting.

ROLL CALL

O'Neill and Kehoe were present, Wanger (present via video conference per Governor's Executive Order 2020-69). Tomlinson and Roberson was absent.

BUDGET WORKSHOP ITEMS

Review draft budget and CIP – Irvine reviewed the updated draft budget. It is a balanced budget. She indicated that some of the shared revenue estimates were not yet received.

If there are any changes, she will schedule another workshop prior to the September 1st regular meeting. Otherwise, this will be the budget for the TRIM hearing on September 15th.

Discuss projects – Council and staff discussed getting the road paving project moving forward so that it can be started as soon after the water line replacement project finishes. Staff will also review and develop a sidewalk plan for future implementation. Discussion was held regarding a wastewater treatment plant.

Mayor Kehoe closed the workshop at 5:30 PM.

ATTEST:

Michael Kehoe, Mayor

Brittney Sandovalsoto, Town Clerk

Sara K. Irvine, Town Administrator

**TOWN OF LAKE HAMILTON
MINUTES
TOWN COUNCIL REGULAR MEETING
TUESDAY, AUGUST 4, 2020
6:00 PM**

The Town Council of Lake Hamilton held a Regular Meeting on Tuesday August 4, 2020 at 85 N Omaha Street, Lake Hamilton, FL 33851.

CALL TO ORDER

Mayor Kehoe called the meeting to order at 6:03 p.m.

INVOCATION

Invocation was given by Angie Hibbard.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance led by all

ROLL CALL

O'Neill, Wagner (present via video conference per Governor's Executive Order 2020-69) and Kehoe were present, Tomlinson and Roberson were absent. Town Administrator Irvine was present.

SCHEDULED PRESENTATIONS

Angie Hibbard gave a presentation regarding the new notification service the Town has signed up for. It is a text messaging alert service and a frequently asked questions platform.

CONSENT AGENDA

Motion made by O'Neill and a second by Wagner to approve consent agenda items a through f.
Motion Passed 3-0.

RECOGNITION OF CITIZENS

Adam Beward presented the Council with questions regarding easements around his property. Community Development Director Leonard explained the placement of the property and that it abuts to Hidden Lakes subdivision. Leonard will further investigate to provide more accurate information.

OLD BUSINESS

Wastewater Utility Rate- Town Administrator Irvine presented this item regarding the hiring of Gerry Hartman to review the rate and provide recommendations for the Council. Gerry Hartman provided a fair offer to Dundee at \$6.00 per thousand gallons for sewer connection in The Grand. This offer was rejected by Dundee. They requested \$13.61 per thousand gallons and 100 percent of the impact fees paid to them. He explained the average wholesale rates in the area range from \$3.11 to \$7.88 per thousand gallons. He recommends rejecting the offer of \$13.61 per thousand gallons and 100 percent of impact fees. Councilmember O'Neill expressed his consensus with the proposal offered by the Town and stated that there was no basis for Dundee

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Regular Council Meeting Minutes

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to charge \$13.61 per thousand gallons. Mr. Hartman stated that the wastewater data does not support the Raftelis rate study. He stated that Lake Hamilton should continue to negotiate a reasonable rate and defend the \$13.61 bulk rate as unreasonable and attend the public hearing. There was discussion about pursuing an onsite package sewer, but they did not think the developer wanted to go that route but was open to the idea. John McVay suggested that all parties sit down and try to work it out to where it benefits all. Councilmember O'Neill stated he wanted more discussion about the Town building their own sewer plant. Tom Davidson stated there was two options, either spend the millions to build a wastewater treatment plant or bite the bullet. Further discussion was had about all options available to create a backup plan in the event the Town needs to pursue other options.

Lake Gordon Stormwater Project- Town Administrator Irvine stated the council needs to approve the contract for the project. The council approved awarding the bid in the past. Grant regulations require approval of the contract after it has been reviewed by DEO. Attorney had no issues with the contract but was unable to attend the meeting.

Motion made by O'Neill and a second by Wagner to approve the CDBG project Contract with Carr & Collier, Inc. and give Mayor Kehoe the authority to execute the notice to proceed.

Motion Passed 3-0.

NEW BUSINESS

First Reading of Ordinance O-20-05 Amending Local Business Tax Schedule- Town Administrator Irvine read the title into the record.

An Ordinance of the Town Council of the Town of Lake Hamilton, Florida, amending chapter 28, taxation, article ii, local business tax, section 28-25 schedule of business taxes; providing for codification; providing for conflicts; providing for severability; and providing an effective date.

Motion made by O'Neill and a second by Wagner to approve the first reading of Ordinance O-20-05 amending the local business tax schedule. A roll call vote was taken. Wagner aye, O'Neill aye, Kehoe aye. **Motion Passed 3-0.**

First reading of Ordinance O-20-06 Business Tax for Businesses not Specifically Mentioned- Town Administrator Irvine read the title into the record.

An Ordinance amending the Town of Lake Hamilton code of ordinances by amending chapter 28, taxation, article ii, local business tax, sec. 28-26, business tax for businesses not specifically mentioned; providing for conflicts, severability, and an effective date.

Motion made by O'Neill and a second by Wagner to approve the first reading of Ordinance O-20-06 for business tax for businesses not specifically mentioned. A roll call vote was taken. O'Neill aye, Wagner aye, Kehoe aye. **Motion Passed 3-0.**

Resolution R-2020-10 K9 Fund at Mid Florida- Town Administrator Irvine read the title into the record.

A Resolution of the Town Council of the Town of Lake Hamilton, establishing a K9 police unit fundraising account; establishing criteria for use of such funds; establishing authority for certain persons to open such an account at Mid Florida Credit Union.

Motion made by O'Neill and a second by Wagner to approve Resolution R-2020-10 K9 fund at Mid Florida. Chief Teague announced that local businesses will aid in collection of donations. Their goal is \$20,000- \$25,000. A roll call vote was taken. Wagner aye, O'Neill aye, Kehoe aye. **Motion Passed 3-0.**

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Emergency Administrative Order- Attorney Dawson is drafting the order and does not need to come before Council as it can be authorized by Town Administrator Irvine. The Executive Order issued by the Governor was extended until October 15, 2020. There was consensus by the Council for Town Administrator Irvine to proceed with signing the order.

Natural Gas Service on Highway 27- Community Development Director Leonard presented this item stating that Mr. Floridino had been trying to secure gas services for his new location and the estimated price to extend was \$66,000. The company does have pioneering agreements and there would be refunds if others connected. Mayor Kehoe and Councilmember O'Neill expressed they did not think it was a good idea in the Town's current situation and there are no funds set aside for that.

STAFF REPORTS:

Town Administrator- Town Administrator Irvine announced they were changing Online and Credit Card payment vendors. She stated that she would like to offer the service at no charge to the customer if they pay online expect if the amount is over \$230.00 and implement a tier schedule for amounts over that to accommodate for high bills and permits. She requested approval to Purchase a vehicle for Town Staff, a Code enforcement vehicle, and a tool for public works out of this year's budget as they is money left from training, per diem, and vehicle for PD. There was consensus from the Council to proceed with these requests.

Town Clerk- Town Clerk Sandovalsoto stated that she would soon be going on Maternity leave but was not sure of the date.

Police Department- The Police Department qualified for a \$2500 grant for Covid-19 related expenses. Chief Teague stated there has been an increase in red-light runners on Highway 27 and was looking into the possibility of red-light cameras on Highway 27.

Code Enforcement- Code Enforcement Officer Mulvaney stated he attended the Code Enforcement conference.

Community development- Included in Packet.

Chief Teague gave an update report on the progress of the renovation of Town Hall. The site work is scheduled to start on Friday and Tile has been delivered and will soon be installed.

Public Works- Public Works Director Lewellen was working a water line break and was unable to attend the meeting.

ATTORNEY COMMENTS: None.

COUNCIL COMMENTS: None.

ADJOURNMENT:

Motion made by O'Neill and a second by Wagner to adjourn the meeting at 7:20 PM. **Motion Passed 3-0.**

ATTEST:

Michael Kehoe, Mayor

Brittney Sandovalsoto, Town Clerk

Sara K. Irvine, Town Administrator

ORDINANCE NO.: O-20-05

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA, AMENDING CHAPTER 28, TAXATION, ARTICLE II, LOCAL BUSINESS TAX, SECTION 28-25 SCHEDULE OF BUSINESS TAXES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature has enacted Chapter 205, Florida Statutes relating to the levy of local business taxes by municipalities and providing for methods to increase such tax rates; and,

WHEREAS, §205.043(1)(b), Florida Statutes, provides the increase percentages permitted under the circumstances wherein a municipality did not adopt a revised ordinance within the statutorily specified timeframe,

WHEREAS, the Town Council of the Town of Lake Hamilton finds that its business tax receipt rates are substantially lower than local municipalities and likely does not cover its own costs, and deems it in the best interests of the Town to amend Section 28-25 Schedule of Business Taxes.

NOW, THEREFORE, be it ordained and enacted by the people of the Town of Lake Hamilton, Florida, as follows:

1. That Chapter 28, Taxation, Article II, Local Business Tax, Sec. 28-25, Schedule of Business Taxes, of the Code of Ordinances of the Town of Lake Hamilton, Florida is hereby amended, as set forth at Exhibit "A", attached hereto and made a part hereof.
2. All ordinances in conflict herewith are hereby repealed to the extent necessary to give this ordinance full force and effect. If any portion of this Ordinance is determined to be void,

unconstitutional or invalid, the remainder of this Ordinance shall remain in full force and effect. This Ordinance may be codified and made a part of the Town's Code of Ordinances and the Sections and exhibits to this Ordinance may be renumbered or relettered to accomplish such intention.

3. This ordinance shall become effective on the date of passage by second reading.

INTRODUCED AND PASSED on first reading this ____ day of ____, 2020.

PASSED AND ADOPTED on second reading this ____ day of ____, 2020.

TOWN OF LAKE HAMILTON, FLORIDA

MIKE KEHOE, MAYOR

ATTEST:

BRITTNEY SANDOVALSOTO, TOWN CLERK

Approved as to form:

CITY ATTORNEY, JEFFREY S. DAWSON

Sec. 28-25. - Schedule of business taxes.

There is hereby levied upon all occupations, businesses, professions, trades, amusements and industries now or hereafter conducted within the town, business taxes in the amounts herein provided for and set forth, which charges shall be for the tax year beginning October 1 of each year and ending September 30 of the following year. Business tax receipts issued within six months of the end of the then current tax year shall be 50 percent of the following rates:

Banks and banking firms	\$30.00 <u>\$60.00</u>
Barber, per chair	10.00 <u>\$20.00</u>
Beer and wine parlors	15.00 <u>\$30.00</u>
Canning plant	20.00 <u>\$40.00</u>
Circus or show under tent	50.00 <u>\$100.00</u>
Coin-operated machines, each	50.00 <u>\$100.00</u>
Doll rack, per day	20.00 <u>\$40.00</u>
Fortuneteller, per day	50.00 <u>\$100.00</u>

O-20-05

Exhibit "A"

Garage	—6.00 <u>\$12.00</u>
Gas company	—20.00 <u>\$40.00</u>
Gasoline filling station	—6.00 <u>\$12.00</u>
Itinerant vendor of drugs, ointments or appliances, per day	20.00 <u>\$40.00</u>
Mercantile business selling commodities of any kind, carrying stock of goods of the value of \$1,000.00 or less	—6.00 <u>\$12.00</u>
Mercantile business carrying a stock of more than \$1,000.00 and less than \$5,000.00	—10.00 <u>\$20.00</u>
Mercantile business carrying a stock of goods of over \$5,000.00, in addition to the tax of \$10.00 <u>\$20.00</u> per year	An annual tax of \$2.00 for each \$1,000.00 worth of stock in excess of \$5,000.00
Packinghouse	\$20.00 <u>\$40.00</u>
Peddlers, except those crippled, per day	—10.00 <u>\$20.00</u>
Poolroom, each table	—10.00 <u>\$20.00</u>

O-20-05

Exhibit "A"

Salesman	-20.00 <u>\$40.00</u>
Shoe repair shop	-6.00 <u>\$12.00</u>
Shooting gallery, per day	-20.00 <u>\$40.00</u>
Telephone company	-20.00 <u>\$40.00</u>
Telephone exchange	-20.00 <u>\$40.00</u>

ORDINANCE O-20-06

AN ORDINANCE AMENDING THE TOWN OF LAKE HAMILTON CODE OF ORDINANCES BY AMENDING CHAPTER 28, TAXATION, ARTICLE II, LOCAL BUSINESS TAX, SEC. 28-26, BUSINESS TAX FOR BUSINESSES NOT SPECIFICALLY MENTIONED; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature has enacted Chapter 205, Florida Statutes relating to the levy of local business taxes by municipalities and providing for methods to increase such tax rates; and,

WHEREAS, §205.043(1)(b), Florida Statutes, provides the increase percentages permitted under the circumstances wherein a municipality did not adopt a revised ordinance within the statutorily specified timeframe,

WHEREAS, the Town Council of the Town of Lake Hamilton finds that its business tax receipt rates are substantially lower than local municipalities and likely does not cover its own costs, and deems it in the best interests of the Town to amend Section 28-26 Business Tax for Businesses Not Specifically Mentioned.

NOW, THEREFORE, be it ordained and enacted by the people of the Town of Lake Hamilton, Florida, as follows:

1. That Chapter 28, Taxation, Article II, Local Business Tax, Sec. 28-26, Business Tax for Businesses Not Specifically Mentioned, of the Code of Ordinances of the Town of Lake Hamilton, Florida is hereby amended, as set forth at Exhibit "A", attached hereto and made a part hereof.

2. All ordinances in conflict herewith are hereby repealed to the extent necessary to give this ordinance full force and effect. If any portion of this Ordinance is determined to be void, unconstitutional or invalid, the remainder of this Ordinance shall remain in full force and effect. This Ordinance may be codified and made a part of the Town's Code of Ordinances and the Sections and exhibits to this Ordinance may be renumbered or relettered to accomplish such intention.

Ordinance No. O-20-06

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3. This ordinance shall become effective on the date of passage by second reading.

INTRODUCED AND PASSED on first reading this _____ day of _____, 2020.

PASSED AND ADOPTED on second reading this _____ day of _____, 2020.

TOWN OF LAKE HAMILTON, FLORIDA

MIKE KEHOE, MAYOR

ATTEST:

BRITTNEY SANDOVALSOTO, TOWN CLERK

Approved as to form:

CITY ATTORNEY, JEFFREY S. DAWSON

Record of Vote	Yes	No
Wagner	_____	_____
Roberson	_____	_____
Tomlinson	_____	_____
O'Neill	_____	_____
Kehoe	_____	_____

Ordinance No. O-20-06

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EXHIBIT “A”

Sec. 28-26. - Business tax for businesses not specifically mentioned.

Any business, industry or occupation not covered in this article shall pay a business tax of ~~\$10.00~~ \$20.00, provided the same shall not be in violation of state law. Any business, industry or occupation for which no state or county license is charged and which is not exempt from business taxation by the state or federal constitutions and which is not set out in this article shall pay a business tax of ~~\$10.00~~ \$20.00 per year.

June 12, 2020

Doug Leonard, Community Development Director
Town of Lake Hamilton
Post Office Box 126
Lake Hamilton, Florida 33851

**RE: ADDENDUM NO. 2 TO TASK ORDER NO. 19-01 – BIDDING AND CONSTRUCTION ADMINISTRATION
ENGINEERING SERVICES FOR THE 2019 LAKE GORDON AREA CDBG STORMWATER IMPROVEMENTS
PROJECT**

Dear Mr. Leonard:

In accordance with our recent communications, we are submitting this Addendum No. 2 to Task Order No. 19-01 to provide the City with additional requested professional services for the subject Project. Our scope of additional services is to make design revisions and assist the Town with re-bidding the Lake Gordon Area CDBG Stormwater Improvements Project.

Upon review and approval, please sign and return one (1) executed copy of this Agreement to our office.

Please call me if you have any questions. We sincerely appreciate the opportunity to assist the Town of Lake Hamilton with this important Project.

Sincerely
Pennoni



Roger L. Homann, P.E.
Project Manager

ADDENDUM NO. 2 TO TASK ORDER 19-01 TO CONTINUING AGREEMENT**TOWN OF LAKE HAMILTON****BIDDING AND CONSTRUCTION ADMINISTRATION ENGINEERING SERVICES FOR THE 2019 LAKE GORDON
AREA CDBG STORMWATER IMPROVEMENTS PROJECT**

- 1.0 GENERAL:** This Addendum No. 2 to Task Order 19-01 is between the Town of Lake Hamilton (Town, Client, or Owner) and Pennoni Associates Inc. (Engineer or Pennoni) for engineering services. Except as provided for herein, the terms and conditions of Task Order 19-01 between the Town and Pennoni shall apply.
- 2.0 BACKGROUND INFORMATION:** Pennoni is currently under contract via Supplemental Agreement 19-01 to provide bidding and construction administrative services for this Project. The project was previously bid, and due to the single bid received for the project being higher than the Town's available grant funding for the project, the Town has elected to value-engineer redesign and re-bid the project.
- 3.0 ADDITIONAL SERVICES:** Pennoni shall provide the following additional services:
- 3.1 Design Revisions: Pennoni will make value engineering design revisions to the project Construction Plans to generally substitute Type F curbing instead of underground storm sewer pipe in some project locations. The scope of these design revisions is as discussed with Town staff and previously provided as a sketch. Appropriate Project Manual revisions will also be made to reflect the design revisions including a revised Bid Form with quantities.
- 3.2 Re-Bidding Services
- A. Coordinate with Town staff and the Town's grant administrator Fred Fox Enterprises regarding project re-bid requirements
 - B. Assist the Town with preparing a bid advertisement for the Town's advertisement in local newspaper
 - C. Set up an FTP site to post the Bid Documents (Construction Plans and Project Manual) for prospective bidders
 - D. Prepare for, schedule, and conduct one Pre-Bid Conference (to be held via Skype teleconference) to review this Project and assist the Town with answering Pre-Bid Conference questions from prospective bidders regarding the Bid Documents
 - E. Prepare and issue a maximum of three Addenda regarding the Construction Documents if required to address questions or comments raised by prospective bidders

F. Attend one bid opening conference and assist the Town with reviewing the bids

G. Prepare a bid award recommendation letter for the Town's use

4.0 ADDITIONAL COMPENSATION: Pennoni's requested additional lump sum fee for providing the additional engineering services described in Section 3.0 are \$8,000.

ADDENDUM NO. 2 TO TASK ORDER 19-01 TO CONTINUING AGREEMENT

TOWN OF LAKE HAMILTON

**BIDDING AND CONSTRUCTION ADMINISTRATION ENGINEERING SERVICES FOR THE 2019 LAKE GORDON
AREA CDBG STORMWATER IMPROVEMENTS PROJECT**

TOWN OF LAKE HAMILTON

Sara Irvine
Town Administrator

(Date)

Pennoni

Richard A. Butala

Richard A. Butala
Office Director

6/12/2020

(Date)

FROM: Michael Kehoe, Mayor
TO: Lake Hamilton Town Council
Date: August 21, 2020
Subject: Revision to Town Council Rules of Procedures

Current Policy

1.21 Evaluations of Council's Appointee.

The Council shall annually evaluate the performance of the Town Clerk/Administrator (*Appendix C.*) during each October regular meeting. The Mayor will distribute the evaluation forms to each Council member prior the September regular meeting. Each Council member shall forward the completed evaluation to the Mayor within two weeks of the October Meeting. The Mayor shall take the evaluations of all Council members and develop a composite evaluation, averaging the numerical scores of each Council member. The composite evaluation shall be placed on the Council's agenda (New Business) for the October regular meeting by the Mayor. The agenda package for the Council shall include the composite evaluation and the evaluation of each Council member in a sealed envelope. The Mayor may make recommendations on tenure, salary and other matters related to the appointees. The Council shall review the composite evaluation and adopt it by majority vote of the members present.

Revised Policy for review and adoption

Section 1.21 Evaluations of Council's Appointee.

The Town Council shall annually evaluate the performance of the Town Clerk & Town Administrator during the October regular meeting. The Mayor shall develop and distribute the evaluation forms to each council member at the September regular meeting. Each member shall forward their completed evaluations to the Mayor within two weeks of the October meeting. The Mayor shall develop a composite evaluation, averaging the numerical scores of each member. The council members shall receive the composite evaluation and copies of each members evaluations in a sealed envelope for their review prior to the October meeting. The Mayor shall place the Town Clerk and Town Administrator's evaluations on the October regular Town Council's agenda (New Business) for discussion and adoption by the council. The appointees will be presented with their evaluations at the October meeting. The council shall review the composite evaluation and adopt it by majority vote of the members present. The adopted evaluations shall be placed in the appointee's permanent file by the Town Clerk. The Mayor may make recommendations on tenure, salary and other matters related to the appointees.

NOTE: The actual evaluation forms shall be removed from the Town Council Rules of Procedures to allow revisions as needed in the future.

Michael Kehoe, Mayor
Town of Lake Hamilton

INTERLOCAL AGREEMENT - COOPERATIVE

FUNDING FOR EXPLORATION OF PROSPECTIVE FIBER NETWORK PROJECT

THIS AGREEMENT is effective on the date fully executed by and among the CITY OF HAINES CITY, FLORIDA, a Florida municipal corporation, ("Haines City"), the CITY OF DAVENPORT, FLORIDA, a Florida municipal corporation, ("Davenport"), the TOWN OF LAKE HAMILTON, FLORIDA, a Florida municipality, ("Lake Hamilton") and the SCHOOL BOARD OF POLK COUNTY, a statutory corporation, ("School Board").

WHEREAS, Florida Statute 163.01 provides for the entry by municipalities into a Cooperative arrangement for the providing of services to the municipal residents; and

WHEREAS, the parties wish to enter into a cooperative funding project to explore the creation of a prospective fiber network which would serve the residents of each of the municipalities and the students of the School Board and that such prospective fiber network project would be known as the _____ Cooperative; and

WHEREAS, each of the parties has determined that it is in the best interests of the residents of the municipalities and students of the School Board to enter into an interlocal agreement for the exploration of the prospective fiber network project.

THEREFORE, THE PARTIES AGREE AS FOLLOWS:

I. PURPOSE: The parties hereby enter into this Agreement for the purpose of organizing a cooperative funding project to explore the creation of a prospective fiber network.

II. DEFINITIONS:

The "Parties" shall mean each and all of the above governmental entities.

"_____ Cooperative" shall mean the _____ Cooperative, as established pursuant to this Agreement.

"The Governing Board" shall mean the governing body of the _____ Cooperative, as established and empowered pursuant to the Agreement.

"Member Party" shall mean a governmental entity which is, at the pertinent time, a signatory to the Agreement.

"Fixed Assets" is defined by the Cooperative as all property with value of \$1,000 or more purchased under the equipment control account, as amended from time to time. Fixed Assets shall be in accordance with Board directives, Florida Statutes, and the Rules of the Auditor General.

III. MODIFICATIONS: This Agreement shall constitute the entire Agreement of the parties hereto and of the _____ Cooperative. There are no promises, representations, or warranties other than those set forth herein. This Agreement shall be binding upon the parties and their successors in interest, in accordance with its terms. No modification or amendment of

the Agreement shall be binding or valid unless in writing, approved by each of the governing bodies of the Parties and by the Governing Board, and executed on behalf of each of the Parties and the Governing Board.

IV. TERM OF AGREEMENT: The term of this Agreement shall commence and be effective on the date fully executed, and shall remain in effect unless revised or terminated in accordance with the provisions of the Agreement.

V. WITHDRAWAL OR TERMINATION: Any Member Party may withdraw from the cooperative system established by the Agreement and from _____ Cooperative, and thereby terminate its rights and responsibilities under the Agreement, without cause. The termination and withdrawal shall be effective only on the next succeeding October 1, and shall be accomplished by the giving of written notice of the withdrawal and termination to the _____ Cooperative Board and to each Member Party on or before April 1 prior to the October 1 effective date of termination. Upon any withdrawal or termination of the Agreement by any Member Party (whether early termination or otherwise), all federal grant funds, real property and equipment over \$1,000 shall remain the property of the _____ Cooperative, and reverts (pro rata) to the Member Parties if the Cooperative ceases to exist.

Materials and equipment purchased from Cooperative funds shall remain the property of the _____ Cooperative. Materials and equipment purchased with local (each Party's) funds shall be the property of the respective Member Party, even if expended centrally.

Disposal of all Cooperative Property shall be in accordance with the applicable State Statutes, including Section 274.02, Florida Statutes, and the procedures defined therein and Rules of the Auditor General, Chapter 10.400, Local Government Owned Tangible Personal Property.

VI. _____ COOPERATIVE BOARD: _____ Cooperative shall be administered and governed by a board known as the _____ Cooperative Board. The _____ Cooperative Board shall consist of one (1) members from each municipality and the School Board which is a party to the Agreement. Specific terms of appointment, including renewal options, shall be decided upon by the City Commissioners of each member municipality and the Board members of the School Board. Each member shall serve until removed or replaced by the appointing Party.

VII. POWERS AND AUTHORITY: The _____ Cooperative Governing Board is hereby empowered to take such collective action as is reasonable or appropriate to achieve the purposes set forth in this Agreement and explore the creation of a prospective fiber network. In addition to the powers expressly provided for herein, the Governing Board shall have such other powers as are permitted by law. Neither the Governing Body nor the Cooperative Coordinator shall have the power to bind or commit any Party in any way.

VIII. MEMBER PARTY AND COOPERATIVE PLANS: The contributions and services provided by each Member Party and the Cooperative shall be set forth in plans which shall also specify in detail how the Cooperative will be administered. The plans will be consistent with Member Party and the Cooperative annual budgets. Plans may be developed for each Member

Party and for the Cooperative, or if so agreed, unified plans may be developed. If separate plans are developed, they shall be consistent, and Member Party plans shall be made part of the Cooperative plans by reference. The Cooperative Plans shall be developed by the Cooperative Coordinator in collaboration with the Member Parties and shall be adopted by both the Governing Board and each of the Member Parties.

IX. INITIAL CONTRIBUTIONS.

Each Member Party shall appropriate and make an initial contribution to the _____ Cooperative in the sum of Five Thousand Dollars (\$5,000.00) within thirty (30) days of such Party's execution of this Agreement.

X. PURCHASING: Purchases shall be made by the Cooperative Coordinator in accordance with the purposes of this Agreement.

XI. MEMBER PARTY SERVICES: The Governing Board may utilize personnel of a member Party who shall perform services and duties on behalf of the Cooperative. Any expense of the member Party related in any fashion to the Cooperative activities shall be (i) reimbursed by the Cooperative, or paid directly by the member agency upon such member agency's approval of the expense.

XII. ACCEPTANCE OF GIFTS, GRANTS, ASSISTANCE FUNDS, OR BEQUESTS: The _____ Cooperative shall be entitled to apply for or receive gifts, grants, assistance funds, or bequests. All such moneys, property or other funds granted to _____ Cooperative shall be the property of _____ Cooperative (subject to termination provisions set forth above). All such moneys, property, or other funds granted to a Member Party shall remain and be the sole property of the Member Party. _____ Cooperative shall serve as the agent for the Parties for the making of claims or applications for federal or State Aid payable to the _____ Cooperative.

XIII. LIABILITIES: The _____ Cooperative and the Governing Board shall have the authority to procure liability and other insurance for such purposes and in such coverage and amounts as the Governing Board shall deem appropriate from time to time. However, the execution and performance of the Agreement and the provisions hereof (including, but not limited to, the procurement of insurance) shall not be construed in any fashion or to any extent to waive any immunity accruing under applicable law to the _____ Cooperative, to the Parties, to the members of the Governing Board, to the Cooperative Coordinator, to any employee of the Cooperative, or to any other person or entity.

XIV. PRE-SUIT MEDIATION: Disputes arising under this Agreement must first be mediated by a Florida Supreme Court-certified Civil Mediator in accordance with Chapter 44, Florida Statutes. The parties agree that the mediation shall occur within thirty (30) days of the date mediation is requested by a party. The Mediator shall be agreed upon, but if the parties are unwilling or unable to agree, the parties agree that a Civil Mediator from Central Florida Mediation Group, LLC shall be selected by striking names from the mediators in that Group. The parties agree to mediate in good faith, be bound by the Mediation Agreement (if any), pay

Mediator fees promptly and share them on an equal basis unless otherwise agreed upon by the parties.

Litigation may not be commenced until after mediation has been (i) declared an impasse by the Mediator, or (ii) terminated in writing by one or both of the parties. The confidentiality provisions of the Mediation Confidentiality and Privilege Act (Section 44.403, Florida Statutes) shall apply to any such pre-suit mediation.

XV. FISCAL RESPONSIBILITY: The Governing Board may procure an annual audit of all funds administered by the _____ Cooperative, or the Administrator, or the Cooperative Board, and all funds claimed as expended centrally for State Aid purposes, grants, and other funds designated to be expended. The audit shall be prepared and presented to the _____ Cooperative Board which shall distribute copies to each Member Party, and the Cooperative Coordinator.

XVI. DISSOLUTION OF COOPERATIVE: The _____ Cooperative may be dissolved upon the mutual agreement of all member ~~agencie~~se~~counties~~, provided, however, that such dissolution shall be in compliance with all state and federal laws. In the event of such dissolution, to the extent permitted by law, no Member Party shall be required to assume any liability as a result of such dissolution.

XVII. NOTICES: For all purposes herein, notice shall mean notice sent by certified mail return receipt, properly addressed and posted, to the addresses shown herein. Alternatively, notice may be by personal delivery. Notice shall be effective only upon actual receipt. For the purpose of this Agreement, the addresses of the parties shall be:

City of Haines City, Florida
c/o Brian Ross, IT Director
620 East Main Street
Haines City, FL 33844

City of Davenport, Florida

Town of Lake Hamilton, Florida

School Board of Polk County

XIX. PUBLIC RECORDS COMPLIANCE. The Parties understands that the public shall have access, at all reasonable times, to documents and information pertaining to the _____ Cooperative, subject to the provisions of Florida Statutes Chapter 119; and agrees to allow access by the Parties and the public to all documents subject to disclosure under applicable law. The Cooperative's failure or refusal to comply with the provisions of this Section shall result in the immediate termination of this Agreement by the Parties. The Parties agree to retain all public

records in accordance with the Cooperative's records retention and disposal policies per the State of Florida Administrative Code Rule; 1B-24.003 and Florida Statutes 119.021(2)(a). For information concerning the Cooperative's records retention and disposal policy please contact _____.

IN WITNESS WHEREOF, the parties hereto have executed these presents and have set their hands and seals each upon the date so indicated.

[Remainder of page intentionally blank]

By: _____
Morris L. West, Mayor Commissioner

ATTEST:

Linda Bourgeois, City Clerk

**APPROVED as to form and legality,
 for the use and reliance of the
 City of Haines City, Florida only.**

Fred Reilly, City Attorney

STATE OF FLORIDA

COUNTY OF POLK

PERSONALLY APPEARED before me, the undersigned authority, Morris L. West, [] well known to me or [] who has produced his _____ as identification, and known to me to be the Mayor-Commissioner of the City of Haines City, Florida, and acknowledged before me that he executed the foregoing Interlocal Agreement on behalf of the City of Haines City, Florida as its true act and deed, and that he was duly authorized to do so.

WITNESS my hand and official seal this ____ day of _____, 2020.

NOTARY PUBLIC

Print Name: _____

My Commission Expires _____

CITY OF DAVENPORT, FLORIDA

By: _____
 _____, Mayor Commissioner

ATTEST:

 _____, City Clerk

APPROVED as to form and legality,
for the use and reliance of the
City of Davenport, Florida only.

 _____, City Attorney

STATE OF FLORIDA**COUNTY OF POLK**

PERSONALLY APPEARED before me, the undersigned authority, _____, [] well known to me or [] who has produced his _____ as identification, and known to me to be the Mayor-Commissioner of the City of Davenport, Florida, and acknowledged before me that he executed the foregoing Interlocal Agreement on behalf of the City of Davenport, Florida as its true act and deed, and that he was duly authorized to do so.

WITNESS my hand and official seal this ____ day of _____, 2020.

 NOTARY PUBLIC

Print Name: _____

My Commission Expires _____

TOWN OF LAKE HAMILTON, FLORIDA

By: _____
 _____, Mayor Commissioner

ATTEST:

 _____, City Clerk

APPROVED as to form and legality,
for the use and reliance of the
Town of Lake Hamilton, Florida only.

 _____, City Attorney

STATE OF FLORIDA**COUNTY OF POLK**

PERSONALLY APPEARED before me, the undersigned authority, _____, [] well known to me or [] who has produced his _____ as identification, and known to me to be the Mayor-Commissioner of the Town of Lake Hamilton, Florida, and acknowledged before me that he executed the foregoing Interlocal Agreement on behalf of the Town of Lake Hamilton, Florida as its true act and deed, and that he was duly authorized to do so.

WITNESS my hand and official seal this ____ day of _____, 2020.

NOTARY PUBLIC

Print Name: _____
 My Commission Expires _____

SCHOOL BOARD OF POLK COUNTY

By: _____

ATTEST:

**APPROVED as to form and legality,
 for the use and reliance of the
 School Board of Polk County only.**

Wes Bridges, School Board Attorney

STATE OF FLORIDA

COUNTY OF POLK

PERSONALLY APPEARED before me, the undersigned authority, _____, [] well known to me or [] who has produced his _____ as identification, and known to me to be the _____ of the School Board of Polk County, and acknowledged before me that he executed the foregoing Interlocal Agreement on behalf of the School Board of Polk County as its true act and deed, and that he was duly authorized to do so.

WITNESS my hand and official seal this ____ day of _____, 2020.

NOTARY PUBLIC

Print Name: _____

My Commission Expires _____

RESOLUTION R-2020-11

A RESOLUTION OF THE TOWN OF LAKE HAMILTON, FLORIDA; APPROVING THOSE CERTAIN APPLICATIONS FOR THE CDBG-MIT GRANT PROGRAM FOR THE INFRASTRUCTURE PORTION OF THE SAID GRANT PROGRAM BETWEEN THE TOWN OF LAKE HAMILTON AND THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO) FOR FUNDING FOR THE PROJECT AS MORE PARTICULARLY DESCRIBED IN THIS RESOLUTION BELOW THAT WILL ASSIST THE TOWN IN ADDRESSING THE TOWN'S LONG-TERM MITIGATION EFFORTS THROUGH THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE REBUILD FLORIDA GENERAL INFRASTRUCTURE GRANT PROGRAM; PROVIDING AUTHORITY FOR THE TOWN ADMINISTRATOR AND APPROPRIATE TOWN OFFICIALS TO EXECUTE AND SUBMIT AND TO TAKE ALL OTHER NECESSARY ACTIONS REGARDING SAID GRANT APPLICATIONS; PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is in the best interests of the residents and citizens of the Town of Lake Hamilton for the Town to submit the Rebuild Florida General Infrastructure Program Grant Proposal/Application with the Florida Department of Economic Opportunity (DEO) to fund the plans to harden critical infrastructure that serves a public purpose for local communities intended to build water system infrastructure resiliency improvements which will enable critical infrastructure to better withstand the effects of identified hazard risks such as severe storms, tropical cyclones, coastal erosion, wildfires, flooding, and

WHEREAS, the Town of Lake Hamilton has proposed the following project for grant funding by the Rebuild Florida General Infrastructure Program Grant:

	Lake Hamilton Project Name	Funding
1	Water System Fire Resiliency Improvements	\$1,500,000
	Total	\$1,500,000

The project consists of improvements that will harden the water supply and distribution system for the Town of Lake Hamilton.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA:

1. That the Rebuild Florida General Infrastructure Program Grant Proposals/Applications with the DEO for funding hardening critical communications that serve a public purpose for local communities intended to enable critical facilities, including infrastructure, to better withstand the effects of identified hazard risks such as flooding, severe storms, tropical cyclones, coastal erosion, and wildfires to the infrastructure facilities more specifically identified and described in the applications, herein by references, are approved.
2. The Town Administrator is authorized to execute and submit on behalf of the Town of Lake Hamilton, the Rebuild Florida General Infrastructure Program Grant Proposal/Applications with the DEO for the purposes set forth hereinabove and any necessary amendments and to take all other necessary actions relating to the referenced Rebuild Florida General Infrastructure Program Grant Proposal/Applications with the DEO and the related projects as described in the applications.
3. The provisions of this Resolution are severable. If any word, sentence, clause, phrase or provision of this Resolution for any reason is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Resolution shall remain in full force and effect.
4. All Resolutions in conflict with this Resolution are repealed to the extent necessary to give this Resolution full force and effect.
5. This Resolution shall take effect immediately upon its passage.

APPROVED in regular session of the Town Council of the Town of Lake Hamilton, this 1st day of September 2020.

ATTEST:

TOWN OF LAKE HAMILTON

Brittney Sandovalsoto,
Town Clerk

Michael Kehoe, Mayor

Approved as to Form:

Jeffrey Dawson, Town Attorney



Memorandum

To: Town Council

From: Town Clerk, Brittney Sandovalsoto

Date: August 25, 2020

Subject: Monthly Update

We have been working on closing up the end of the fiscal year tasks and finishing up projects. I will be going on maternity leave soon and mostly all areas have been covered by other employees along with training. I plan to keep myself available in any event there are questions.

We have been in the process of cross training employees to help assist in the Utility billing process during my absence.

The Special Magistrate hearing was cancelled for July. We continue to train with Gina and Tom to transfer all Code Enforcement responsibilities to the Police Department.

Other business as usual.

From the Desk of ...

Chief Michael Teague



August 21, 2020

TO: Staff

SUBJECT: Council Report

August Items:

- Stats are up to August 20, 2020
- Officer Lorenzo is back to full duty
- Officers have increased patrols of businesses and residences
- Department was awarded a \$1,000 Jag d Grant
- 1006 Church Street has become a nuisance in the last several months we have responded to over 34 calls (disturbances).
- Tom Mulvaney put in for a \$25,000 grant for Landscaping
-
-

Michael Teague

030

[illegible]

031

[illegible]

Memorandum

To: Town Council

From: Tom Mulvaney, Code Enforcement

Date: August 27, 2020

Subject: Monthly Update

Tom attended the Florida Association of Code Enforcement Annual Conference through the University of Central Florida Institute of Government (UCF/IOG) and plans to implement several new code enforcement initiatives and activities in the Town of Lake Hamilton throughout FY 2020/2021.

The next code enforcement Special Magistrate hearing is scheduled for Tuesday, September 08 , 2020.

Gina has started cross-training in IWORQ to provide administrative support for code enforcement as we transition these responsibilities away from Brittney/Town Hall and into the Police Department.

Tom has applied for a grant through the Florida Department of Agriculture and Consumer Services to provide financial assistance with the Town Hall and Police Department landscaping development.

Funding Opportunity Title: 2020 Urban and Community Forestry Grant Program (20-DG-11083112-A)
Requested amount: \$18,125.00 Review Period: 08/24 – 09/25. Award Notice Date: 10/02/2020

Public Safety Announcement:

Code Enforcement reminds everyone that:

September is National Preparedness Month. Learn more at <https://www.ready.gov/september>

National Preparedness Month (NPM) is recognized each September to promote family and community disaster planning now and throughout the year. As our nation continues to respond to COVID-19, there is no better time to be involved this September.

The 2020 NPM theme is: "Disasters Don't Wait. Make Your Plan Today."

Respectfully Submitted,

Tom Mulvaney, Code Enforcement



Memorandum

To: Town Council

From: Doug Leonard, Community Development Director

Date: August 25, 2020

Subject: Status of Projects for September 1, 2020 Council Meeting

1. **USDA Water Distribution System Improvement Project.** Church Street and Crump Road are almost complete. Project will continue with work most likely moving to Sixth Street and Main next.
2. **CDBG Stormwater Project.** The redesign of the CDBG Stormwater Project was authorized in May and the work was completed in June and July. The contract in the amount \$8,000 did not get signed and is on the agenda for execution by the Mayor.
3. **State Road 17 (Scenic Highway) Sewer Project.** Staff met again virtually with Haines City Deputy City Manager Jeff Brown and his staff on August 10, 2020. After an hour of discussion, initial agreement was reach on sharing impact fees. Mr. Brown agreed that the interlocal of 2006 was a good starting point and we have referred it to Tom Cloud for development.
4. **Floridino's Project.** Building permit was submitted on July 29th. It remains under review by the Polk County Fire Service.
5. **Hamilton Ridge.** Project has been delayed by site work equipment down time. Work is again underway, and the anticipated completion is October, considering that weather could be a delaying factor over the next two months.
6. **Census.** Census employees are continuing to gather survey information. Our response rate has increased to 48.6% as of August 25, 2020, maintaining 15 out of 17 Polk municipalities.
7. **The Grand at Lake Hamilton.** Staff continues to work with Attorney Tom Cloud and Consultant Gerry Hartman for an interlocal with Dundee. Staff is also investigating other

Status of Projects

September 1, 2020 Council Meeting

Page 2

options, including construction of a Wastewater Treatment Plant (WWTP) east of Detour Road.

8. **FRDAP.** We have received official notification of award of \$50,000 for each Gunter Park (phase 2) and Detour Road Ball Park (phase 1). We are awaiting funding agreements from FRDAP.



Memorandum

To: Town Council

From: The Director of Public Work and Utilities

Date: 8/28/2020

Subject: Monthly Update for August 2020

Sanitation: normal operations.

Parks: normal operation. Still in busiest mowing season and down one guy.

Streets: a lot of potholing due to rain.

Water: Normal Operations

Sewer: Normal operations. I have continued to work on sewer with consultants and staff. We have a plan, but we still must get certain pieces into place.

Town Hall: As I've said in the past any time, I post a new substantial completion date it's always the fastest that it can possibly be done not that it will get done then. The contractor claims he is still having trouble getting sub-contractors to show up, or even take the job. Nathan Poole believes they will be substantially completed November 1st. I believe we won't be moving into the building until January 1st. However there has been a lot of things accomplished it just feels like they are doing one, or two jobs at a time, when they could be doing more. The major hold up is when the subs will show up to do/finish their work.